

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Re: Application of: **Wolfgang KREMERS et al.**  
Serial No.: 09/890,503  
Filed: 07/31/2001  
For: **SELF-RECOVERING CURRENT-LIMITING  
DEVICE WITH LIQUID METAL**  
Art Unit: Not yet assigned

**PETITION UNDER 37 CFR 1.181(a) REQUESTING WITHDRAWAL OF THE  
HOLDING OF ABANDONMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

November 21, 2002

BOX OFFICE OF PETITIONS/PCT

Sir:


In response to the Notice of Abandonment dated November 13, 2002, a copy of which is enclosed, Applicants petition the Assistant Commissioner for Patents to withdraw the holding of abandonment under 37 CFR 1.181(a).

Applicants responded to the notification of MISSING REQUIREMENTS in this matter on November 2, 2001. Please find enclosed copies of the Response to Notice to File Missing Requirements with a signed Certificate of First Class Mail dated November 2, 2001 (1 page), a copy of the filed executed Declaration/PoA (2 pages), a copy of the check for \$130.00, a copy of the Notification of Missing Requirements (1 page), and a copy of the stamped Return Receipt Postcard (1page). Applicant believes that there was no failure to timely file a proper reply to the Office letter mailed on September 13, 2001. Therefore Applicants petition the Assistant Commissioner for Patents to withdraw the holding of abandonment.

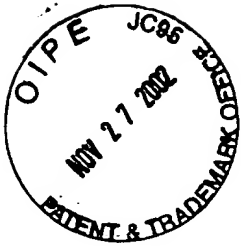
No fee is believed due. However if any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By   
William C. Gehris  
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
(212) 736 - 1940



Our Ref. 521.1004

November 2, 2001

WCG:JMD:cc

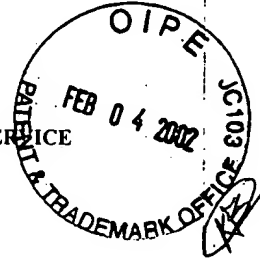
Re: PCT International Application Transmittal of:  
Wolfgang KREMERS, et al.  
Serial No.: 09/890,503  
Filed: July 31, 2001  
For: SELF-RECOVERING CURRENT-LIMITING DEVICE  
WITH LIQUID METAL

Enclosed Are:

- Response to Notice to file missing parts (1 page);
- Notification of Missing Requirements (1 page);
- Executed Assignment (2 pages);
- Check for \$130.00

MAILED BY FIRST CLASS MAIL VIA U.S. POSTAL SERVICE

DUE:  
BOX: MISSING PARTS  
RECEIVED BY:



JC10 Rec'd PCT/PTO 0 4 FEB 2002

**COPY**



521.1004

UNITED STATES PATENT & TRADEMARK OFFICE

Re: Application of: **Wolfgang KREMERS et al.**  
Serial No.: 09/890,503  
Filed: July 31, 2001  
For: **SELF-RECOVERING CURRENT-LIMITING  
DEVICE WITH LIQUID METAL**

RESPONSE TO NOTICE TO FILE MISSING PARTS

BOX: MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**COPY**

November 2, 2001

Sir:

In response to the Notification of Missing Requirements dated September 13, 2001, a copy of which is enclosed, please find an executed Declaration/Power of Attorney form signed by the inventors, and a check in the amount of \$130.00 covering the filing surcharge.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By William C. Gehris  
William C. Gehris  
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
(212) 736 - 1940

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on November 2, 2001.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: Jan Decker  
Jan Decker

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, DC 20231

DTOS Rec'd PCT/PTO 27 NOV 2002

Docket No.: 521.1004  
Date: November 21, 2002

In re application of: **Wolfgang KREMERS,**  
Serial No.: 09/890,503  
Filed: July 31, 2001  
For: **SELF-RECOVERING CURRENT-LIMITING DEVICE WITH LIQUID METAL**

Sir:

Transmitted herewith is a **Petition und 37 CFR 1.181(a) (2 pages)** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)	(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST		RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	PRESENT					
	AMENDMENT	PAID FOR	EXTRA					
TOTAL CLAIMS	* Minus**	=	0	x \$	9		x \$	18
INDEP. CLAIMS	* Minus***	=	0	x \$	40		x \$	80
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$135		+	\$270

TOTAL: \$ OR TOTAL: \$

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:  
☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)  
☒ Other: **Copies of Notification of Abandonment; Stamped Return Receipt Postcard; Check for \$130; Response to Notice to File Missing Requirements; Notice to File Missing Requirements; Executed Declaration PoA.**
- ☐ Check(s) in the amount of \$**.00** is/are attached to cover:  
☐ Filing fee for additional claims under 37 C.F.R. 1.16  
☐ Petition fee for extension under 37 C.F.R. 1.136  
☐ Other:
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

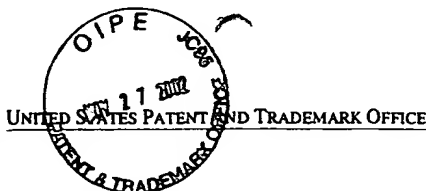
  
 William C. Gehris, Reg. No. 38,156  
 DAVIDSON, DAVIDSON & KAPPEL, LLC  
 485 Seventh Avenue, 14<sup>th</sup> Floor  
 New York, New York 10018  
 Tel: (212) 736-1940  
 Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on November 21, 2002.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 

Jan Decker



Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/890503	KREMERS	W 521.1004
INTERNATIONAL APPLICATION NO.		

DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 SEVENTH AVENUE, 14TH FLOOR  
NEW YORK, NY 10018

COPY

PCT/EP00/00479

I.A. FILING DATE	PRIORITY DATE
22 JAN 00	01 FEB 99

DATE MAILED: 13 SEP 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input type="checkbox"/> Indication of Small Entity Status.                                    |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventors(s).   | <input type="checkbox"/> Translation of Article 19 amendments into English.                    |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input type="checkbox"/> Other:  |
| <input checked="" type="checkbox"/> Priority Document.   |  |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. |  |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.        |  |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- |   |   |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917: unexecuted
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
- 7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

- |  |  |
|--|--|
| Enclosed: <input type="checkbox"/> PCT/DO/EO/917 | <input type="checkbox"/> Notice of Defective Translation |
| <input type="checkbox"/> PTO-875                 | <input type="checkbox"/> PCT/DO/EO/920                   |

Tamala D. Holland

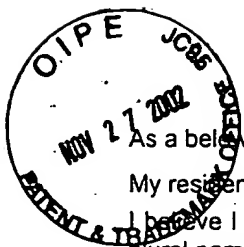
FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-5483

RECEIVED

SEP 17 2001

DAVIDSON, DAVIDSON & KAPPEL



## DECLARATION AND POWER OF ATTORNEY

**COPY**

Docket No.:521.1004

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

SELF-RECOVERING CURRENT-LIMITING DEVICE WITH LIQUID METAL

the specification of which (check one)

☐ is attached hereto☒ was filed on 22 January 2000 as International Application Serial No. PCT/EP00/00479 and was amended on (if applicable).☐ I hereby authorize and request our attorneys, Davidson, Davidson & Kappel, LLC of 485 Seventh Avenue, New York, New York 10018 to insert here in parentheses (application number \_\_\_\_\_ filed \_\_\_\_\_) the filing date and application number of said application when known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information that is known to me to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign and/or provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign and/or provisional application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

DE 199 03 837.6 Number	Germany Country	1 February 1999 Day/Month/Year Filed	Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	Day/Month/Year Filed	Priority claimed <input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

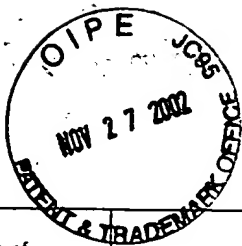
Application Serial Number	Day/Month/Year Filed	Status
Application Serial Number	Day/Month/Year Filed	Status

9 And I hereby appoint Clifford M. Davidson, Reg. No. 32,728, Leslye B. Davidson, Reg. No. 38,854, Cary S. Kappel, Reg. No. 36,561, William C. Gehris, Reg. No. 38,156, Morey B. Wildes, Reg. No. 36,968, Robert J. Paradiso, Reg. No. 41,240, Erik R. Swanson, Reg. No. 40,833, Thomas P. Canty, Reg. No. 44,586, Livia S. Boyadjian, Reg. No. 34,781, and all other registered attorneys and agents at Davidson, Davidson & Kappel, LLC, U.S. Patent and Trademark Office Customer Number 23280, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith; correspondence address: DAVIDSON, DAVIDSON & KAPPEL, LLC, 485 Seventh Avenue, 14th Floor, New York, New York 10018; Telephone: (212) 736-1940; Fax: (212) 736-2427.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Wolfgang KREMERS
Inventor's signature	<i>Wolfgang Kramers</i>
Date	30.07.01
Residence	Bonn, Germany DEX
Post Office Address	Kapitelshof 30, D - 53229 Bonn, Germany

Full name of additional inventor	Frank BERGER 2-00
Inventor's signature	<i>Frank Berger</i>
Date	01.08.01
Residence	Swistal - Miel, Germany DEX
Post Office Address	Spiessgarten 2, D - 53913 Swistal - Miel, Germany



## DECLARATION AND POWER OF ATTORNEY

**COPY**

Docket No.: 521.1004

3-00

Full name of additional Inventor	Andreas KRAETZSCHMAR
Inventor's signature	<i>[Signature]</i>
Date	1. August 2001
Residence	Bonn, Germany <i>DEX</i>
Post Office Address	Edith - Stein - Anlage 21, D - 53123 Bonn, Germany
Citizenship	German

Full name of additional Inventor	
Inventor's signature	
Date	
Residence	
Post Office Address	
Citizenship	

Full name of additional Inventor	
Inventor's signature	
Date	
Residence	
Post Office Address	
Citizenship	

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Inventor's signature	
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Citizenship	

Full name of additional Inventor	
Inventor's signature	
Date	
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